

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

George Allen Cole,

Case No. 1:22-cv-1228

Petitioner,

v.

ORDER

Kenneth Black, Warden,

Respondent.

Before me is the July 21, 2023 Report and Recommendation of Magistrate Judge Amanda M. Knapp, recommending I deny *pro se* Petitioner George Allen Cole's motion for a stay and abeyance of his petition for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 12). Cole moved for a stay so he could return to state court and pursue postconviction relief regarding the consecutive-sentence argument he raises in his fourth ground for relief. (Doc. No. 9). Judge Knapp recommends I deny Cole's motion because he already has exhausted the claim raised in his fourth ground and therefore Cole cannot satisfy the standard for a stay and abeyance set forth in *Rhines v. Weber*, 544 U.S. 269 (2005). (Doc. No. 12 at 2-6).

Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949 (6th Cir. 1981). The deadline to file objections was August 4, 2023. The petitioner has not filed any objections and that deadline has passed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813, 815 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review”).

Following my review of the Magistrate Judge’s Report and Recommendation, I accept Judge Knapp’s recommendation and deny Cole’s motion for a stay and abeyance. (Doc. No. 9).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge